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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,017	05/10/2001	Asaf Tamir	452/65048	5152

7590 01/09/2006

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/853,017

Applicant(s)

TAMIR ET AL.

Examiner

Susan McFadden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22,23 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,23 and 35-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5-10-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 22-23 and 35-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the audio output, ultrasound signal, and modulated signals must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 22-23 and 35-44 are objected to because of the following informalities: It is unclear whether the output is audio or a digital signal. It is also unclear how an ultrasound signal can be generated from an audio output device. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 23, 36-40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vardanyan et al. (6,079,621) in view of Nagata et al. (4,677,657).

In regard to claims 22,23,42, and 44, Vardanyan et al. show in Figure 2, a credit-card sized apparatus capable of receiving and processing audio signals, comprising: a) a power source (power strip, item 4, col. 3, ln 10-14), b) an input device capable of receiving human voice inputs (microphone, item 3, col. 3, ln 22-25); and c) a data processing device capable of processing said human voice inputs (processor, item 2, col. 3, ln 6-10). Vardanyan et al. do not specifically

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show an audio output device capable of processing digital signals. Nagata et al. show in Figure 1, a voice recording card that has a microphone and speaker (claimed audio output for outputting human-audible sounds (synthesized speech which can be modulated), items 14-15). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

In regard to claims 35 and 37, Vardanyan et al. show in Figure 2, a credit-card sized apparatus capable of receiving and processing audio signals that can compare voice patterns in a database (col. 3, ln 47-62) and comprises a data provision unit and wherein the data processing device is adapted to activate the data provision unit, if a match is found in the comparison (activate the magnetic strip, Abstract).

In regard to claim 36, Vardanyan et al. show the system discussed above in which the data processing device is adapted to activate an application if a match is found in the comparison ("controlling access to ATMs or other security data", col. 4).

In regard to claim 38, Vardanyan et al. show the system discussed above wherein the data provision unit comprises a magnetic strip (Fig. 4, item 5, col. 4, ln 6).

In regard to claim 39, Vardanyan et al. show the system discussed above, wherein the data provision unit comprises a smart chip (EEPROM, Fig. 3, col. 3).

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In regard to claim 40, Vardanyan et al. show the data processing device is adapted to compare human voice inputs to the voice patterns of the database, with regard to the general voice characteristics (col. 3, ln 47-60).

In regard to claim 43, Vardanyan et al. and Nagata et al. show the system discussed above. They do not specifically show that an ultrasound signal is output thru the audio device. The Examiner takes Official Notice that one of ordinary skill in the art would know how to generate the signals that need monitoring from the system. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

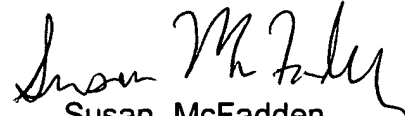
6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardanyan et al. in view of Nagata (cited above) further in view of Rabin (6,081,782).

In regard to claim 41, Vardanyan et al. and Nagata et al. show the system discussed above. They do not specifically show that the data processing device is adapted to compare human voice inputs to the voice patterns of the database, with regard to their word content. Rabin shows a system that includes features for recognizing voice patterns and word content (col. 7). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with added security by not providing access to unauthorized users who don't know the correct commands (col. 2, ln 10-14).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

January 4, 2006